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06 UNITED STATES DISTRICT COURT
07 WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

08 UNITED STATES OF AMERICA,)
09 Plaintiff,) CASE NO. CR12-062-RSL
10 v.)
11 JUSTIN MATTHEW McCROREY,) DETENTION ORDER
12 Defendant.)
13 _____)

14 Offense charged: Conspiracy to Distribute Heroin and Methamphetamine

15 Date of Detention Hearing: April 3, 2012.

16 The Court, having conducted a detention hearing pursuant to 18 U.S.C. § 3142(f), and
17 based upon the factual findings and statement of reasons for detention hereafter set forth, finds
18 that no condition or combination of conditions which defendant can meet will reasonably
19 assure the appearance of defendant as required and the safety of other persons and the
20 community.

21 FINDINGS OF FACT AND STATEMENT OF REASONS FOR DETENTION

22 1. Defendant has been charged with a drug offense, the maximum penalty of which

01 is in excess of ten years. There is therefore a rebuttable presumption against defendant as to
02 both dangerousness and flight risk, under 18 U.S.C. § 3142(e).

03 2. Defendant's criminal history includes failures to appear for court and resultant
04 warrant activity, and multiple violations of DOC supervision including absconding, failing to
05 report, failing to submit to drug testing, use of illegal drugs and new law violations. Pretrial
06 Services reports that while on supervision, the defendant engaged in new criminal activity on
07 ten occasions and served in excess of 24 months custody for such violations. Since his release
08 from custody on his most recent felony conviction on April 26, 2010, defendant has violated the
09 terms and conditions of his supervision on three occasions and has one new criminal
10 conviction.

11 3. Defendant has participated unsuccessfully in drug treatment in the past and is an
12 admitted current methamphetamine addict.

13 4. Taken as a whole, the record does not effectively rebut the presumption that no
14 condition or combination of conditions will reasonably assure the appearance of the defendant
15 as required and the safety of the community.

16 It is therefore ORDERED:

- 17 1. Defendant shall be detained pending trial and committed to the custody of the Attorney
18 General for confinement in a correction facility separate, to the extent practicable, from
19 persons awaiting or serving sentences or being held in custody pending appeal;
- 20 2. Defendant shall be afforded reasonable opportunity for private consultation with
21 counsel;
- 22 3. On order of the United States or on request of an attorney for the Government, the

01 person in charge of the corrections facility in which defendant is confined shall deliver
02 the defendant to a United States Marshal for the purpose of an appearance in connection
03 with a court proceeding; and

- 04 4. The Clerk shall direct copies of this Order to counsel for the United States, to counsel
05 for the defendant, to the United States Marshal, and to the United State Pretrial Services
06 Officer.

07 DATED this 3rd day of April, 2012.

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10 Mary Alice Theiler
11 United States Magistrate Judge
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